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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,564	11/25/2003	Germain Cadotte	RP-01094-US2	9108

28735 7590 01/27/2005

BOMBARDIER RECREATIONAL PRODUCTS INC
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EXAMINER

WINNER, TONY H

ART UNIT PAPER NUMBER

3611

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,564

Applicant(s)

CADOTTE ET AL.

Examiner

Tony H. Winner

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 14 is/are allowed.
- 6) ☐ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Acknowledgment

1. Receipt of the amendment filed 11/08/04 has been acknowledged and entered.
- In light of the amendment, the office is withdrawing all rejections and applying new rejection to claims 1-6 and 8-13.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui et al. (US. patent 4,917,207) in view of Hanagan (US. Patent 6,729,516 B2).

Yasui discloses a snowmobile, comprising:

- a. a frame;
- b. two skis disposed at a forward end of the frame;
- c. an endless drive track disposed beneath a rearward end of the frame to propel the snowmobile;
- d. a seat mounted on the frame adapted to accommodate at least one person;

Savage lacks the teaching of a fairing disposed rearwardly of the seat and a storage compartment defined by an interior of the fairing.

Hanagan discloses a vehicle comprising:

- a. a fairing disposed rearwardly of the seat (figure 2) and a storage compartment defined by an interior of the fairing,
- b. an upper portion (figure 2, element 20) and a lower portion (28), the upper portion being pivotally connected to the lower portion and comprise a material different and more rigid from that of the seat,
- c. a seal (74) is disposed on one of the upper portion and the lower portion,
- d. the fairing tapers inwardly from a forward end to a rearward pointed end and also includes a lock.

Based on the teaching of Hanagan, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowmobile of Yasui to include the fairing with storage compartment of Hanagan so as to provide the snowmobile with a storage compartment, thus, allowing user to storage personal items.

With regard to claims 2-4, 8, 10, 12, and 13 Yasui as modified by Hanagan discloses all of the claimed limitations.

With regard to claim 5, Yasui as modified by Hanagan discloses the claimed invention but lacks the specific opening angle for the storage compartment. However, it would have been **an obvious matter of design choice** to set the opening angle at 150 degrees so as to provide easy access to the storage box, since the applicant has not disclosed that by setting the opening angle of the storage compartment at a certain angle would solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the present teaching.

The same logic of rejection of claim 5 is used for claim 11.

With regard to claim 6, Yasui as modified by Hanagan discloses all of the claimed limitations.

Response to Arguments

3. Applicant's arguments filed 11/08/04 have been fully considered but they are moot in view of new art rejection.

Allowable Subject Matter

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Claim 14 are allowed because the prior art neither shows nor teaches a snowmobile with a tail light disposed on a rear end of the lower portion of the fairing and in combination with other elements recited.

Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to

6:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached at (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



TONY WINNER
PATENT EXAMINER

January 23, 2005